

Raney, 77 Md. 321; Snowden v. Preston, 73 Md. 261; Siewerd v. Farnen, 71 Md. 627; Sprigg v. State, 54 Md. 469; Rust v. Lynch, 54 Md. 636; Smith v. Black, 51 Md. 247; Abell v. Simon, 49 Md. 318; McCormick v. Hogan, 48 Md. 404; Craig v. Wroth, 47 Md. 281; Sarlouis v. Ins. Co., 45 Md. 241; Tiernan v. Hammond, 41 Md. 548; Post v. Bowen, 35 Md. 232; Hall v. Holmes, 30 Md. 558; Dorsey v. Kyle, 30 Md. 512. An *ex parte* affidavit of the applicant will not be sufficient. Geesey v. Stouch, 94 Md. 75; Foran v. Johnson, 58 Md. 144.

For examples of judgments struck out because defendant was not summoned, see Taylor v. Welslager, 90 Md. 409, 414; Pattison v. Hughes, 80 Md. 559; Coulbourn v. Fleming, 78 Md. 210; Heaps v. Hoopes, 68 Md. 383; Abell v. Simon, 49 Md. 318; German v. Slade, 42 Md. 510; because the judgment was entered by a deputy clerk without authority from the judge, see Lee v. Carrollton Assn., 58 Md. 301; because the obtention of the judgment was made possible by the error of the clerk in filing pleas in the wrong suit, see May v. Wolvington, 69 Md. 117.

A judgment will not, however, be set aside for unimportant clerical errors. Acklen v. Fink, 95 Md. 655; Charles Co. v. Mandanyohl, 93 Md. 150; Bond v. Citizens Bank, 65 Md. 498; Ecker v. First Bank, 62 Md. 519; First Bank v. Weckler, 52 Md. 30; Post v. Bowen, 35 Md. 232.

Imposition of terms.—In striking out a judgment, the court may impose terms on the defendant, as that he shall not plead limitations, Merrick v. R. R. Co., 33 Md. 485; or that, in the case of a non-resident defendant who has not been summoned, he shall enter an appearance in the suit, Coulbourn v. Fleming, 78 Md. 210; or that the defendant shall pay into court a sufficient sum of money to meet a future judgment in case the plaintiff succeeds, Heaps v. Hoops, 68 Md. 383; or that the lien of the original judgment shall be preserved to secure the plaintiff from loss should he afterwards recover at a trial on the merits. Tyrrell v. Hilton, 92 Md. 176.

Right of appeal.—Plaintiff may appeal only where judgment is stricken out on motion made after the term. Defendant may appeal from an order overruling a motion to strike out a judgment, whether his motion is made during or after the term. It is the time when the motion is made, not the time when it is decided, which determines the right. State v. Butler, 72 Md. 98; Sloan v. Locust Point Co., 71 Md. 335; Preston v. McCann, 77 Md. 30; McLaughlin v. Ogle, 53 Md. 610; Walsh v. State, 53 Md. 539; Smith v. Black, 51 Md. 247; Craig v. Wroth, 47 Md. 281; Merrick v. R. R. Co., 33 Md. 481; King v. Hicks, 32 Md. 460; Townshend v. Chew, 31 Md. 247; Hall v. Holmes, 30 Md. 558. Cf. Huntington v. Emery, 74 Md. 67; Lafin Co. v. R. R. Co., 63 Md. 76; Wainwright v. Wilkinson, 62 Md. 146; Johnson v. Lemmon, 37 Md. 336; Powhatan Co. v. Potomac Co., 36 Md. 238; State v. Steibel, 31 Md. 34.

Under the Act of 1886, ch. 184 (Balto. City Code, secs. 317, 318) the period of thirty days is substituted or adopted for the law courts of Baltimore in lieu of the ordinary term within which the judgment, or action of the court in relation thereto, remains under the control of the court, as was the case under previous practice in regard to the term. Preston v. McCann, 77 Md. 30; Laubheimer v. Johnson, 98 Md. 685. After a judgment has become enrolled by the lapse of thirty days under sec. 317, *supra*,